

**FEDERAL COMMUNICATIONS COMMISSION  
Enforcement Bureau  
Market Disputes Resolution Division  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554**

**December 29, 2014**

By E-mail

**NOTICE OF COMPLAINT: THIS LETTER CONTAINS IMPORTANT  
INFORMATION REGARDING FILING DEADLINES AND PROCEDURES.  
PLEASE REVIEW IT CAREFULLY.**

Cox Communications Las Vegas, Inc.,	)	
Complainant,	)	
	)	
v.	)	Proceeding No. 14-267
	)	File No. EB-14-MD-017
	)	
NV Energy, Inc.	)	
Respondent.	)	

Maria T. Browne  
Leslie G. Moylan  
David Wright Tremaine LLP  
1919 Pennsylvania Avenue, NW  
Suite 800  
Washington, DC 20006  
[MariaBrowne@dwt.com](mailto:MariaBrowne@dwt.com)  
[LeslieMoylan@dwt.com](mailto:LeslieMoylan@dwt.com)  
Counsel for Complainant

Colin R. Harlow  
Assistant General Counsel  
NV Energy  
6226 W. Sahara Avenue, MS #3A  
Las Vegas, NV 89146  
[ColinHarlow@nvenergy.com](mailto:ColinHarlow@nvenergy.com)  
Counsel for Respondent

Dear Counsel:

On December 18, 2014, Cox Communications Las Vegas, Inc., ("Cox") filed with this Commission a complaint against NV Energy, Inc. ("NV Energy") pursuant to Section 224 of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 224 and the Commission's pole attachment rules, 47 C.F.R. §§ 1.1401-1.1424. NV Energy should have a copy of the complaint as served by Cox. *See* 47 C.F.R. § 1.1404(b). If that is not the case, NV Energy should contact the Commission counsel identified below.

We strongly encourage the parties to read the Commission's procedural rules governing pole attachment complaints. *See* 47 C.F.R. §§ 1.1401-1.1424. In accordance with these rules, we establish the following pleading schedule:

- 1) NV Energy shall, on or before **January 23, 2015**, file and serve a response to the complaint that complies with 47 C.F.R. §§ 1.1407 and 1.1408. Failure to respond may be deemed an admission of the material factual allegations contained in the complaint. *See* 47 C.F.R. § 1.1407(d).
- 2) Cox shall, on or before **February 13, 2015**, file and serve a reply to the response that complies with 47 C.F.R. §§ 1.1407 and 1.1408.

Beginning on January 12, 2015, the parties must file using the Commission's Electronic Comment Filing System ("ECFS") **all** written submissions in this proceeding, and all such submissions shall prominently contain, *inter alia*, the Proceeding Number and File Number referenced above. *See, e.g.,* 47 C.F.R. § 1.7. *See Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure Relating to the Filing of Formal Complaints Under Section 208 of the Communications Act and Pole Attachment Complaints Under Section 224 of the Communications Act*, FCC 14-179 (rel. Nov. 12, 2014) ("ECFS Order"); *see also* 47 C.F.R. § 1.1405.

**Please be certain that the Commission Secretary (as opposed to Commission counsel) is the addressee on any written submission filed in this proceeding.** The parties shall serve all filings via e-mail, hand-delivery, or overnight, together with a proof of all such service. *See* 47 C.F.R. § 1.1408, as amended by the *ECFS Order*. In addition, we request that the parties send to the Commission counsel handling this proceeding courtesy copies of all filings via e-mail and two copies via hand-delivery (if counsel is located in the Washington, DC area) or overnight delivery (if counsel is located outside of the Washington, DC area). If there is both a public and a confidential version of a filing, the courtesy copy to staff need only include the confidential version.

The parties should note that this proceeding is restricted for *ex parte* purposes pursuant to 47 C.F.R. Part 1, Subpart H. Further, the parties shall retain all records that may be relevant to the complaint, including electronic records, until the Commission's decision in this proceeding is final and no longer subject to judicial review. *See* 47 U.S.C. § 154(i), 47 C.F.R. § 1.1415.

Michael Engel and I are Commission counsel for this proceeding. We can be reached, respectively, at (202) 418-1516, michael.engel@fcc.gov; and at (202) 418-7335, lisa.saks@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION



Lisa J. Saks  
Deputy Chief, Market Disputes Resolution Division  
Enforcement Bureau